

MERRILEE C. MILLER (SBN 157100)  
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Attorney for Defendant/Cross-Complainant  
CATHAY MORTUARY WAH SANG INC.  
dba ASHLEY & McMULLEN MORTUARY  
WING SUN SUCCESSOR TO CATHAY MORTUARY WAH SANG  
(erroneously named and sued herein as  
ASHLEY & McMULLEN-WING SUN MORTUARY  
and ASHLEY & McMULLEN)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SETA SAAD and CHRISTIAN E. SAAD,  
individually and as representatives of the  
Estate of Raymond Saad,

**Plaintiffs,**

V.

GUIDANT CORPORATION; GUIDANT SALES CORPORATION; CARDIAC PACEMAKERS, INC.; BOSTON SCIENTIFIC CORPORATION; ASHLEY & McMULLEN-WING SUN MORTUARY, a business entity form unknown, ASHLEY & McMULLEN, a business entity form unknown; and DOES 1 through 20, inclusive,

## Defendants.

CATHAY MORTUARY WAH SANG INC.  
dba ASHLEY & McMULLEN MORTUARY  
WING SUN SUCCESSOR TO CATHAY  
MORTUARY WAH SANG.

### Cross-Complainant,

Case No.: C 08-00053-PJH

**DECLARATION OF MERRILEE C.  
MILLER IN SUPPORT OF CATHAY  
MORTUARY WAH SANG INC. dba  
ASHLEY & McMULLEN MORTUARY  
WING SUN SUCCESSOR TO CATHAY  
MORTUARY WAH SANG JOINDER IN  
PLAINTIFFS' MOTION FOR REMAND**

**Hearing Date: February 20, 2008**

**Time:** 9:00 a.m.

**Location: Courtroom 3, 17<sup>th</sup> Floor**

**Judge: Honorable Phyllis J. Hamilton**

**Complaint Filed: October 29, 2007**

**Removal Filed: January 4, 2008**

1 v.

2 GUIDANT CORPORATION; GUIDANT  
3 SALES CORPORATION; CARDIAC  
4 PACEMAKERS, INC.; BOSTON  
5 SCIENTIFIC CORPORATION; and ROES 1  
through 50, inclusive,

6 Cross-Defendants.

7 I, Merrilee C. Miller, declare:

8 1. I am an attorney duly licensed to practice law before all the courts in the State of  
California and am an attorney at the Law Offices of William J. Diffenderfer, in San Francisco,  
9 California, attorneys of record for Defendant CATHAY MORTUARY WAH SANG INC.  
10 dba ASHLEY & McMULLEN MORTUARY WING SUN SUCCESSOR TO CATHAY MORTUARY  
11 WAH SANG.

12 2. I have personal knowledge of each matter stated herein.

13 3. A true and correct copy of California Secretary of State's notice of corporate active  
14 status from the Secretary of State website is marked and attached hereto as Exhibit "A".  
15

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct of my own personal knowledge, that I could testify competently  
18 hereto if called as a witness and that this declaration is executed on January 29, 2008 at San  
19 Francisco, California.

20 By: \_\_\_\_\_  
21 \_\_\_\_\_  
22 Merrilee C. Miller  
23  
24  
25  
26

## **EXHIBIT A**

# California Business Portal

Secretary of State DEBRA BOWEN

**DISCLAIMER:** The information displayed here is current as of JAN 25, 2008 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
CATHAY MORTUARY - (WAH SANG)		
<b>Number:</b> C0201916	<b>Date Filed:</b> 1/21/1946	<b>Status:</b> active
<b>Jurisdiction:</b> California		
Address		
4200 GEARY BLVD		
SAN FRANCISCO, CA 94118		
Agent for Service of Process		
DAPHNE DAPHNE		
4200 GEARY BLVD		
SAN FRANCISCO, CA 94118		

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.